

## REMARKS

Claims 3, 20, 21, 23 and 24 are currently pending in this application. Claims 1, 2, 4-19, 22, 25 and 26 have been canceled.

Claim 3 has been rewritten into independent for including all of the limitations of claim 2. Claims 3 has been rejected under 35 U.S.C. 103 as being unpatentable over Sakauchi and Yamashita. This rejection are respectfully traversed. The combination of Sakauchi and Yamashita fails to disclose the method step of "wherein each span in the protection virtual path having a working line and a protection line, the method further comprising:

monitoring a failure condition in the working line in each given span in the protection virtual path; and

switching automatically to a corresponding protection line in the given span upon detecting the failure condition in the working line in the given span".

Neither Sakauchi nor Yamashita et al disclose monitoring a failure condition in the working line of a protection virtual path and switching to a protection line in the given span upon detection of a failure condition in the working span. Fredette et al. also does not disclose monitoring of the virtual protection path for failure. Fredette et al. only monitors the working line of the span, not the backup path. Fredette et al. only discloses creating addition backup paths when the first backup path is operational, i.e. after fault restoration of the working span. See Fredette et al. paragraph [0026]

Claim 20 has been written into independent form to include all of the limitations of claim 19 and also incorporates the limitations of claims 25 and 26. These features in combination with the remaining elements of the claim are not disclosed in the combination of Sakauchi, Yamashita et al. and Fredette et al. Contrary to the assertions in paragraph 12 of

the final rejection, Fredette et al. does not provide disclosure of a smart span wherein "routing protocol is responsible for discovery of neighbors, and link status, reliable distribution of routing topology information and optimal route determination" nor does Fredette et al. disclose that "signaling protocol provides the capability of establishing, tearing down and modifying connections across network nodes" as now required by claim 20.

#### Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for allowance. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited.


It is believed that no additional fees are presently due. However, should that determination be incorrect, the undersigned hereby authorizes the Patent Office officials to debit Deposit Account No. 50-0562 to satisfy any and all fees which may be due.

Should the Examiner wish to discuss this matter further, please contact the undersigned at the below listed number.

Dated: March 10, 2006

Respectfully submitted,

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